

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

KEMAL MRNDZIC

Docket No. 23-CR-10158

**DEFENDANT’S MOTION TO CONTINUE TRIAL OPENING STATEMENTS AND
WITNESS PRESENTATION TO A DATE NO SOONER THAN OCTOBER 9, 2024**

Defendant Kemal Mrndzic respectfully moves this Court to continue the presentation of opening statements and witnesses until a date no sooner than October 9, 2024. Undersigned counsel brings this motion with reluctance. However, in light of a substantial quantity of discovery produced this afternoon, a continuance is necessary in order for counsel to provide effective assistance to their client. Specifically, a continuance is required for the following reasons:

On Sunday, October 6, 2024, at 2:52 PM, the day before trial, the government produced additional *Jencks* material covering over 6,000 Bates-pages. The discovery produced in this case has already been voluminous. Undersigned has requested a database production of this material to better assist in its timely review and searching relative to witnesses.

In order to provide effective assistance of counsel to Mr. Mrndzic and to protect his fundamental right to a fair trial, the defense requests a continuance of the opening statements and witness presentation to a date no sooner than October 9, 2024. Undersigned counsel are “ethically obligated to examine all of this discovery and evaluate it for its probative value.” See *United States v. Aysheh*, No. 17-cr-370-JCH, 2023 WL 8005238, at *2 (D.N.M. Nov. 17, 2023) (granting defendants’ motion to continue trial where government produced thousands of pages of discovery in the two months leading up to trial). Additional time is required not only to digest any exculpatory

information that the defense may uncover in the October 6 production, but to pursue lines of investigation suggested by this information and to assure production of other exculpatory information it believes that the government may have in its possession.

For the foregoing reasons, counsel respectfully requests a continuance of witness presentation until a date no sooner than October 9, 2024.

Respectfully submitted,

/s/ Brendan Kelley
Brendan Kelley

/s/ Forest O'Neill-Greenberg
Forest O'Neill-Greenberg

Federal Public Defender Office
51 Sleeper Street, 5th Floor
Boston, MA 02210
(617) 223-8061
brendan_kelley@fd.org
forest_oneill-greenberg@fd.org

CERTIFICATE OF SERVICE

I, Brendan Kelley, hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on October 6, 2024.

/s/ Brendan Kelley
Brendan Kelley